

see also New Mexico Action, ECF No. 1 (Notice of Removal) at ¶¶ 36-51.² Plaintiff's alternative request to remand this action to the United States District Court for the District of New Mexico should be denied because coordinated pretrial processes in this MDL are ongoing, including for Plaintiff. *See In Re Wilson*, 451 F.3d 161, 165 n.5 (3d Cir. 2006) (citing 28 U.S.C. § 1407(a)); Docket Management Order of Litigating Plaintiffs, ECF No. 2769.

² Plaintiff's suggestion, which appears for the first time in the Renewed Motion, that Plaintiff was deprived a "hearing [] or findings of fact" in the New Mexico Action prior to transfer, Renewed Motion p. 1 (citing Order of Reference to Magistrate Judge), adds nothing to the analysis. While the district judge referred Plaintiff's motion to remand and the Philips Defendants' motion to stay pending transfer to a magistrate judge for determination, New Mexico Action, ECF No. 11, jurisdiction over Plaintiff's case was transferred to the MDL before the magistrate judge scheduled or held any such proceedings.

Dated: March 14, 2025

Respectfully submitted,

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CERTIFICATE OF SERVICE

I hereby certify that on March 14, 2025, the foregoing document was electronically filed with the Clerk of the Court and served upon counsel of record through the Court's ECF filing system.

/s/ John P. Lavelle, Jr.
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